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No. of Pages: * 3 Date: May 5, 2005

Re: COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE File: 2000.086400/TT4559

Urgent For Review For Your File Please Reply Please Handle

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ORIGINAL: Will follow Will not follow

RE: U.S. PATENT APPLICATION SERIAL NO. 10/044,340
 ENTITLED: "METHOD AND APPARATUS FOR PERFORMING FAULT DETECTION USING DATA FROM A DATABASE"
 INVENTOR: ELFIDO COSS, JR. ET AL.
 EXAMINER: MARC M. DUNCAN
 ART UNIT: 2113

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 05 2005

In re Application of:

ELFIDO COSS, JR.
MICHAEL R. CONBOY
SUSAN HICKEY

Serial No.: 10/044,340

Filed: JANUARY 11, 2002

For: METHOD AND APPARATUS FOR
PERFORMING FAULT DETECTION
USING DATA FROM A DATABASE

Group Art Unit: 2113

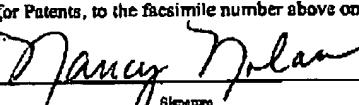
Examiner: MARC M. DUNCAN

Conf. No.: 8005

Atty. Dkt.: 2000.086400/TT4559

CUSTOMER NO.: 23720

COMMENTS ON EXAMINER'S OF REASONS FOR ALLOWANCE

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Sir:

It appears that for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner.

Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

Applicants agree with the Examiner that the prior art do not describe or suggest Applicants' invention as set forth in claims 1-3 and 5-30. However, the Examiner made a statement that recites "The prior art was not found that explicitly teaches to fairly suggest the group comprising process state data, tool state data, offline metrology data and integrated metrology data..." (see bottom of page 2 through top of page 3 of the Notice of Allowance). Examiner's comments seemed to suggest that Markush Groups exist in the claims. Applicants respectfully assert that the claims there are no Markush Groups in the claims. The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Applicants respectfully assert that patentable weight does not necessarily go to all of the language of the claims. The combination of the language in each claim generally defines the patentable invention recited by each claim. Therefore, the language in each claim defines the respective scope of the claim.

Should the Examiner have any questions, the Examiner is invited to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: 5/5/05

By: 

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